

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES BURGIN,

Plaintiff,

v.

Case No.: 15-CV-0201S

BUFFALO BOARD OF EDUCATION; FORMER
BUFFALO PUBLIC SCHOOLS SUPERINTENDENT
PAMELA C. BROWN; ASSOCIATE
SUPERINTENDENT BUFFALO PUBLIC SCHOOLS
WILL KERESZIES; DIRECTOR OF SOCIAL
STUDIES BUFFALO PUBLIC SCHOOLS CHARLES
BRANDY; INTERIM SUPERINTENDENT
BUFFALO PUBLIC SCHOOLS DONALD A.
OGILVIE; PRESIDENT BUFFALO BOARD OF
EDUCATION JAMES M. SAMPSON; BOARD OF
EDUCATION MEMBER CARL PALADINO;
BOARD OF EDUCATION MEMBER PATRICIA
PIERCE; BOARD OF EDUCATION MEMBER
LAWRENCE QUINN; BOARD OF EDUCATION
MEMBER THERESA HARRIS-TIGG; BOARD OF
EDUCATION MEMBER BARBARA SEALS-
NEVERGOLD; and FORMER CHAIRMAN AND
EXECUTIVE DIRECTOR OF UNITED BLACK
MEN'S THINK TANK OF BUFFALO, L. NATHAN
HARE

Defendants.

NOTICE OF MOTION TO DISMISS AMENDED COMPLAINT

Nature of Action: Civil Rights and Tort.

Moving Party: School District Defendants (all except L. Nathan Hare).

Directed To: Plaintiff Charles Burgin

Date and Time: To be set by the Court.

Place: United States Courthouse, 2 Niagara Square, Buffalo, New York.

Supporting Papers: Memorandum of Law in Support of Motion to Dismiss Amended Complaint, dated December 28, 2015; Memorandum of Law in Support of Motion to Dismiss, dated March 30, 2015 (previously filed).

Answering Papers: Unless otherwise ordered by the Court, Plaintiff shall file and serve any responding papers within 14 days of the service of this motion. Defendant intends to serve reply papers.

Relief Requested: An Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing plaintiff's amended complaint together with costs and disbursements of the motion and such other and further relief as the Court deems just and proper.

Grounds for Relief: As set out in the accompanying memorandum of law. In addition, each of the individual defendants is entitled to dismissal on the basis of qualified immunity.

Oral Argument: Requested.

Dated: December 28, 2015

HODGSON RUSS LLP

Attorneys for Defendants Buffalo Board of Education, Pamela C. Brown; Will Kereszies; Charles Brandy; Donald A. Ogilvie; Carl Paladino; Patricia Pierce; Lawrence Quinn; Theresa Harris-Tigg; and Barbara Seals-Nevergold

By: s/ Karl W. Kristoff
Karl W. Kristoff
Kevin M. Kearney
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040
(716) 856-4000

TO: Mr. Charles Burgin, *pro se*
22 Bennett Village Terrace
Buffalo, New York 14214